

**REMARKS**

In accordance with the foregoing, claims 1-3 have been amended and new claim 5 has been added. Claims 1-5 are pending in the application.

**CLAIM REJECTIONS – 35 U.S.C. § 102**

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Kuenstler et al. (JP 2002-195086).

Independent claim 1 recites a filter system to oxidize and remove collected particulate matter by performing a regenerating-mode operation when a quantity of the collected particulate matter in a filter of the filter system to collect the particulate matter is greater than or equal to a predetermined judgment value for regeneration. This claim further recites a maximum-fuel-injection-quantity restricting means for restricting a maximum fuel injection quantity of the internal combustion engine when the quantity of the collected particulate matter estimated by the collected-quantity estimation means is greater than or equal to a predetermined judgment value for restriction. Thus, there is a judgment value for regeneration and a judgment value for restriction, and the regenerating mode operation and the restricting of the maximum fuel injection quantity are performed based on the respective judgment values.

In contrast, JP '086 discloses that regeneration is the triggering event for restriction. Specifically, paragraph [0028] discloses that a judgment is made as to whether or not regeneration of the filter is required. Paragraph [0032] discloses that the intake air flow-rate is restricted when the regeneration is required. Thus, restriction occurs if regeneration occurs, not if a restriction threshold value is met or exceeded.

Accordingly, withdrawal of the rejection is requested.

**CLAIM REJECTIONS – 35 U.S.C. § 103**

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuenstler et al. (JP 2002-195086) in view of Sato et al. (US Patent 4,535,588).

The comments above with respect to JP '086 also apply here. Sato et al. does not

overcome the above deficiencies, and is not relied upon by the Examiner to do so.

New claim 5 is similarly patentable over the cited references at least for similar reasons.

Accordingly, withdrawal of the rejection and allowance of new claim 5 is requested.

## CONCLUSION

In accordance with the foregoing, the specification and claim have been amended. Claim has been cancelled. Claims are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

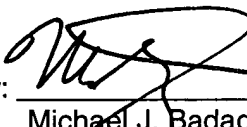
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 9-3-09

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